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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,738	03/25/2004	Patrick K. Egan	ROC920040049US1	5877
46797	7590	09/19/2006	EXAMINER	
IBM CORPORATION, INTELLECTUAL PROPERTY LAW DEPT 917, BLDG. 006-1 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829			BONURA, TIMOTHY M	
		ART UNIT	PAPER NUMBER	2114

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/808,738	EGAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tim Bonura	2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 March 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 14-20 is/are allowed.  
 6) Claim(s) 1-8, 10 and 13 is/are rejected.  
 7) Claim(s) 9, 11 and 12 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/25/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

- **Claims 1-8 and 13 rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura, et al, U.S. Patent Number 5,781,448.**
- **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura as applied to claim 8 above, and further in view of Mullins, et al, U.S. Patent Number 6,832,324.**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 and 13 rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura, et al, U.S. Patent Number 5,781,448.

3. Regarding claim 1:

a. Regarding the limitation of “a service processor,” Nakamura disclose a system with a controller for controlling a UPS. (Lines 42-46 of Column 4).

b. Regarding the limitation of “a system resource controlled by the service processor, wherein the system resource has a predetermined power requirement,” Nakamura disclose a system a controller with can regulate the power via a operational control panel. (Lines 46-50 of Column 4).

c. Regarding the limitation of “an uninterruptible power supply (UPS) device for supplying power to the system resource in the event of input power failure, the UPS device further for supplying the service processor with information regarding the capability of the UPS device to power the system resource,” Nakamura disclose a

system with a UPS with the ability to communicate with a controller information about the status of the UPS. (Lines 60-67 of Column 5 and Lines 1-10 of Column 6).

4. Regarding claim 2, Nakamura disclose a system wherein a power calculation is made to determine the amount of power available in the battery of the UPS for both AC and DC power. (Lines 7-21 of Column 8).

5. Regarding claim 3, Nakamura discloses a system wherein the UPS will communicate to the computer system that power is about to run out in the battery and the system will start a shutdown. (Lines 48-55 of Column 9).

6. Regarding claim 4, Nakamura disclose a system with a battery life register for storing battery lifetime predicted by the controller. (Lines 55-60 of Column 6).

7. Regarding claim 5:

d. Regarding the limitation of "a processor," Nakamura disclose a system with a controller for controlling a UPS. (Lines 42-46 of Column 4).

e. Regarding the limitation of "a memory operatively connected to the processor, the memory for storing information regarding the output capability of the UPS device," Nakamura disclose a system with a controller for controlling a UPS, the system having a memory for storing battery efficiencies. (Lines 42-46 of Column 4 and Lines 13-14 of Column 7).

f. Regarding the limitation of "a source of back-up power," Nakamura discloses a system with a UPS. (Lines 58-65 of Column 3).

g. Regarding the limitation of "a converter for converting the back-up power into output power for use by an external system," Nakamura discloses a system with a DC to AC power converter for converting DC battery power into AC power for the computer system. (Lines 10-22 of Column 6).

- h. Regarding the limitation of "a communications port operatively connected to the processor; wherein the processor is for controlling the communication port to output the information regarding the output capability of the UPS device," Nakamura disclose a system with a UPS with the ability to communicate with a controller information about the status of the UPS. (Lines 60-67 of Column 5 and Lines 1-10 of Column 6).
8. Regarding claim 6, Nakamura discloses a system in which the communication port can communicate information identify the status of the UPS. (Lines 2-18 of Column 7).
9. Regarding claim 7, Nakamura disclose a system with a serial port for communications. (Lines 45-50 of Column 7). However, it would be inherent that the communication port for the UPS could be one of any modern standard, including an internet connection.
10. Regarding claim 8:
- i. Regarding the limitation of "a service processor controller by operating software," Nakamura disclose a system with a controller for controlling a UPS with firmware containing instructions for running the UPS. (Lines 42-46 of Column 4).
- j. Regarding the limitation of "an uninterruptible power supply for supplying output AC power and for supplying UPS information comprising a UPS identifier and UPS output capability," Nakamura disclose a system with a controller for controlling a UPS, the system having a memory for storing battery efficiencies. (Lines 42-46 of Column 4 and Lines 13-14 of Column 7).
- k. Regarding the limitation of "a system resource for receiving emergency power from the UPS and UPS information and for sending the UPS information to the service processor," Nakamura disclose a system with a controller for controlling a UPS with firmware containing instructions for running the UPS. (Lines 42-46 of Column 4). The

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controller can store UPS information about UPS status. (Lines 42-46 of Column 4 and Lines 13-14 of Column 7).

I. Regarding the limitation of "wherein the service processor receives and examines the UPS information supplied by the system resource to determine whether the UPS has a required capacity to supply emergency power to the system," Nakamura disclose a system with a controller for controlling a UPS, the system having a memory for storing battery efficiencies. (Lines 42-46 of Column 4 and Lines 13-14 of Column 7).

11. Regarding claim 13, Nakamura discloses a system wherein the UPS will communicate to the computer system that power is about to run out in the battery and the system will start a shutdown. (Lines 48-55 of Column 9).

#### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura as applied to claim 8 above, and further in view of Mullins, et al, U.S. Patent Number 6,832,324.

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15. Regarding claim 10, Nakamura disclose a system with a controller for controlling a UPS with firmware containing instructions for running the UPS. (Lines 42-46 of Column 4).

Nakamura does not disclose that the system can communicate a serial number from UPS to the system. However, Mullins discloses a system where a power supply can send a serial numbers and part numbers. (Lines 30-55 of Column 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the art of Nakamura's UPS backup power supply with Mullins data sending of power supply information. It would have been obvious to one of ordinary skill in the art because the information in the serial and part number can provide useful information such as hardware revision, system type, and firmware revision. (Lines 30-40 of Column 10).

#### ***Allowable Subject Matter***

16. Claims 9, 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Claims 14-20 are allowed.

18. The following is an examiner's statement of reasons for allowance:

19. Regarding claim 14, the prior art of record failed to teach or suggest the limitation of "a second uninterruptible power supply (UPS) for supplying emergency power on a second power connection and for supplying second UPS information comprising a second UPS identifier and second UPS output capability information; a first system resource operatively connected to the first power connection, the first system resource having predetermined emergency power requirements; a second system resource operatively connected to the second power connection the second system resource having predetermined emergency power requirements; and a

service processor controlled by operating software having power microcode for: identifying the first system resource as being connected to the first power and identifies the second system resource as being connected to the second power connection, receiving the first UPS information and the second UPS information, determining the emergency power requirements of the first and second system resources, and determining whether the first UPS can reliably supply emergency power to the first system resource and whether the second UPS can reliably supply emergency power to the second system resource."

20. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tim Bonura**.

- The examiner can normally be reached on **Mon-Fri: 8:30-5:00**.
- The examiner can be reached at: **571-272-3654**.

22. If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, **Scott Baderman**.

- The supervisor can be reached on **571-272-3644**.

23. The fax phone numbers for the organization where this application or proceeding is assigned are:

- **703-872-9306 for all patent related correspondence by FAX.**

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24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

25. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is: **571-272-2100**.

26. Responses should be mailed to:

o **Commissioner of Patents and Trademarks**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

Tim Bonura  
Examiner  
Art Unit 2114

September 16, 2006

A handwritten signature in black ink, appearing to read "Tim R".